

### **REMARKS**

Claims 1-8 are currently pending in this application. Claim 1 is being amended herewith. Applicants are also amending the specification to clarify an amendment made in their previous response. Support for these amendments can be found generally throughout the specification, and, specifically at page 8, lines 19-25 and page 10, lines 7-18. Following entry of the foregoing amendments, Claims 1-8 will be pending in the application. Applicants respectfully request further examination of this application in view of the foregoing amendments and the following remarks.

#### **The Office Action**

Claims 1-8 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respond to the foregoing rejection below.

#### **The Specification**

Applicants are amending the specification to clarify an amendment made in their previous response. In the previous response, some of the characters did not print properly and appear as boxes. Therefore, for the purpose of clarity, applicants are again including the portion of the amendment to the specification which did not print properly. Applicants regret any inconvenience that this may have caused.

#### **The Rejection Under 35 U.S.C. §112**

Claims 1-8 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The rejection states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention. Specifically, the rejection states that the specification does not describe what is meant by the term “due to angiogenesis.” The rejection states that the

term “due to angiogenesis” is not present in the specification as originally filed and therefore the term constitutes new matter.

Applicants are amending Claim 1 herewith to state that the neovascularization is associated with angiogenesis, rather than due to angiogenesis. Applicants are also amending Claim 1 to state that it is a method of treating neovascularization, not inhibiting neovascularization. Applicants believe that these amendments overcome the present rejection.

In the article entitled “Retinal and Choroidal Neovascularization” by P. Campochiaro, at page 1 (copy attached), it is stated:

Blood vessels develop by vasculogenesis, angiogenesis, or intussusception. During vasculogenesis, endothelial cells differentiate from precursor cells and angioblasts, which are already present throughout the tissue, and then link together to form vessels. During angiogenesis, sprouts form from preexisting blood vessels and invade into surrounding tissue. Most organs are vascularized by vasculogenesis, but the brain and kidney are vascularized by angiogenesis. Retinal vascular development occurs by a combination of vasculogenesis and angiogenesis.

Thus, from the foregoing, it is clear that a person skilled in the art would understand the three processes that can be associated with neovascularization; vasculogenesis, angiogenesis and intussusception. By limiting Claim 1 to neovascularization associated with angiogenesis, the claim distinguishes the present invention from the other types of neovascularization; *i.e.*, vasculogenesis and intussusception. The person skilled in the art would also understand what is meant by the term neovascularization associated with angiogenesis, as demonstrated by the article quoted above.

Furthermore, Applicants submit that the amendment of Claim 1 overcomes the rejection under 35 U.S.C. §112, first paragraph, as lacking a written description. In the previous Office Action, the examiner stated:

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for treating neovascularization due to angiogenesis, does not reasonably

provide enablement for inhibiting neovascularization due to angiogenesis (emphasis added).

Thus, the examiner has admitted that the present application provides an enabling disclosure for treating neovascularization due to angiogenesis. In addition, the present specification at page 10 contains the following disclosure:

Such diseases include...abnormal angiogenesis accompanying: rheumatoid arthritis, psoriasis, diabetic retinopathy, and other ocular angiogenic diseases such as retinopathy of prematurity (retrolental fibroplasty), macular degeneration, corneal graft rejection, neurovascular glaucoma and Osler Weber syndrome. The present invention is particularly useful in treating neovascularization; especially ocular neovascularization (emphasis added).

It is clear from the foregoing that a person skilled in the art would understand that the neovascularization referred to in the portion of the specification quoted above is neovascularization associated with angiogenesis. The claims do not have to have word-for-word support in the specification. It is enough if a person skilled in the art would understand that the specification describes what is being claimed. That is the case here; *i.e.*, a person skilled in the art would understand the portion of the specification quoted above as describing neovascularization associated with angiogenesis, which is the term now used in the claims.

Applicants are also amending Claim 1 herewith to state that the claimed method is a method of treating neovascularization, rather than a method of inhibiting neovascularization. This change better addresses the objection stated in the Office Action dated July 7, 2007 and also finds support in the portion of the specification quoted above. Accordingly, in view of the foregoing, withdrawal of the rejection of Claims 1-8 under 35 U.S.C. §112, first paragraph, is respectfully requested.

### **Conclusion**

In view of the foregoing amendments and remarks, applicants respectfully submit that all claims are now in condition for allowance. Such action is respectfully requested. If there

are informalities remaining in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at 404-572-2589 is respectfully solicited.

Respectfully submitted,

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